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## **Judge rules feds can hold Native land in trust**

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FAIRBANKS — A federal district court judge in Washington, D.C., has ruled that the federal government can accept land from Alaska Natives and hold it in trust, a ruling that advocates say will allow tribes to regulate alcohol, domestic violence and other activities on such lands.

U.S. District Court Judge Rudolph Contreras, in a decision dated Sunday, ruled in favor of the Akiachak Native Community in its lawsuit against the secretary of the interior. The tribal government for the village, which is on the Kuskokwim River just upstream of Bethel, argued that an Interior Department regulation blocking the secretary's acceptance of trust land just in Alaska was unlawful.

The state of Alaska opposed Akiachak, which was represented by the Native American Rights Fund. The state said the Alaska Native Claims Settlement Act of 1971 prohibited the secretary from taking land into trust. ANCSA granted 44 million acres of Alaska land to corporations whose shareholders were limited to Alaska Natives, a settlement model that tribal advocates have criticized.

The court disagreed with the state's argument.

“The court concludes that the secretary retains his statutory authority to take land into trust on behalf of all Alaska Natives,” the court said in its summary. The exclusion of Alaska Natives from the land-into-trust regulation violates a federal law that prohibits different treatment of tribes, it said. “The court therefore grants summary judgment to the plaintiffs, and orders additional briefing on the question of the proper remedy.”

In a news release issued Tuesday afternoon, the Native American Rights Fund called the decision “a victory for all Alaska tribes.”

“The ruling will allow tribes to petition the secretary to have non-ANCSA lands placed into trust and the opportunity to enhance their ability to regulate alcohol, respond to domestic violence and generally protect the health, safety and welfare of tribal members,” the news release said. The NARF news release did not explain why the ruling would be limited to “non-ANCSA lands.”